

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**  
**DEC 23 2009**  
  
CLERK

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

TODD ALAN MOSTERD,

Defendant.

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CR 09-40030

ORDER

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Counsel for Defendant has filed a Motion to Continue, Doc. 23, requesting the Court to continue the dates currently in force for the plea deadline and the jury trial for a period of thirty (30) days, and the Government has no objection, and after consideration of the file in this matter, the Court finds that failure to grant the continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence and further that failure to grant the continuance would deny the public interest in bringing this case to trial in an orderly fashion. Further, the Court finds that the ends of justice served by continuing this trial outweigh the best interests of the public and the Defendant in a speedy trial. For all of those reasons as well as those set forth in the Motion;

IT IS ORDERED:

1. That Defendant's Motion to Continue, Doc. 23, is granted.
2. That February 23, 2010, is hereby set as the deadline for submission to the Court of any proposed plea agreement.
3. That all motions in limine shall be in writing and filed, together with proposed instructions, with the Court ten (10) working days before trial.
4. That the jury trial herein for Defendant shall commence in Sioux Falls, South Dakota, on Tuesday, April 6, 2010, with counsel to be present for motions in limine at 9:00 A.M., and with the jury to report

at 9:30 A.M.

5. That the period of delay resulting from such continuance is excluded in computing the time within which the trial of the offense for the Defendant must commence, as the Court finds that the ends of justice served by taking such action outweigh the best interests of the public and the Defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

Dated this 23<sup>rd</sup> day of December, 2009.

BY THE COURT:



Lawrence L. Piersol  
United States District Judge

ATTEST:  
JOSEPH HAAS, CLERK

BY Jackie Meisenheimer  
DEPUTY